



## Department of Planning & Development

### Consultation Process for Wireless Telecommunication Facilities

#### Policy Statement:

The purpose of this policy is to provide guidance to the City of Port Colborne, Proponents and the general public in considering proposals to locate telecommunication facilities. While Industry Canada is the approval authority for telecommunication facilities, it is acknowledged that any concerns or suggestions expressed by municipalities are important elements to be considered by proponents regarding proposals to install or make changes to antenna systems. Accordingly, municipalities are to be consulted, unless the proposal meets Industry Canada's exclusion criteria, with the aim of:

- Discussing site options;
- Ensuring the local processes related to antenna systems are respected;
- Addressing reasonable and relevant concerns from both the land use authority and the community they represent; and
- Obtaining land use authority concurrence in writing.

#### Objectives of this Policy:

1. To balance demand for facilities with a desire to preserve the natural and cultural landscape and minimize impacts to the community.
2. To outline a general process to be followed by the City for reviewing and commenting on telecommunication facility proposals.
3. To provide an open and transparent public consultation process that meets the requirements of Industry Canada.
4. To provide for high caliber wireless telecommunications facilities in order to promote economic development and meet the business and safety needs of the public.

#### City Designated Official:

For the purpose of this policy, the Director of Planning and Development (Director) shall be the primary representative for the City for all discussion with the Proponent. In the case of absence, the Director may select a designate. All discussions and initial consultation shall be conducted through the Director or designate.

#### Site Selection Criteria:

The Proponent shall choose a site located to minimize the total number of sites required and is encouraged to use existing structures wherever possible. Where it is not possible to use an existing structure, the following criteria shall be considered:

- Maximizing distance from residential areas, public and institutional areas such as schools, community centres, day care facilities and senior's residences;
- Avoidance of natural features, significant vegetation and hazard lands (floodplains or steep slopes)

#### Public Consultation:

The City of Port Colborne shall hold a public consultation session to solicit public input on any proposed telecommunications facility. Notice for any such public consultation will be provided to property owners at least *30 days* prior to the public consultation by regular mail to all property owners within at least 120 metres of the property on which the telecommunication facility is to be established. In addition, the Proponent will also send a notice, with the same circulation radius as the City's notice, which will be consistent with the requirements of Appendix 2 of Industry Canada's document entitled *Radiocommunication and Broadcasting Antenna Systems*. The City, also reserves the right to require a larger circulation radius if, in the opinion of the Director, it is warranted.

Following the public consultation, Council of the City of Port Colborne will authorize Planning staff to provide the Proponent with the City's comments subject to any requirement or stipulations in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, including comments from the public. The City's comments will be provided to the Proponent no later than 30 days after Council's decision by regular mail, fax or electronic mail.

#### Exemptions to Municipal Review:

For the following types of installations, proponents are excluded from the requirement to consult with the City and the public:

- Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
- Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- Installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special

- event; and
- New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the Proponent to consult the City even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, Proponents should consider such things as:

- The antenna system's physical dimensions, including the antenna, mast and tower, compared to the local surroundings;
- The location of the proposed antenna system on the property and its proximity to neighbouring residents;
- The likelihood of an area being a community-sensitive location; and
- Transport Canada marking and lighting requirements for the proposed structure.

Proponents who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the City and/or Industry Canada for guidance.

#### Other Requirements:

In addition, the City also requires the following:

- Prior to the City circulating notice for a public consultation session to be conducted under this policy, the Proponent shall provide the Director with a full-size copy of a site plan detailing the location of the telecommunication facility with respect to the property boundaries.
- In no circumstances shall the City policy be less onerous than requirements of Industry Canada. Therefore, in addition to this policy, any and all other regulations of Industry Canada shall continue to apply.